

BUILDING CODE BOARD PACKET
JUNE 17, 2008
TELECONFERENCE MEETING



State of Idaho

DIVISION OF FINANCIAL MANAGEMENT

Executive Office of the Governor

DFM Tracking No.

Proposed/Temporary Administrative Rules Form

Section 1 (To be completed by Agency)

Agency Name: Division of Building Safety		STARS Agency Code: 450	Fax Number: (208) 855-2164	Date: 4/23/08
Contact Person: Steve Keys	Title: Deputy Administrator – Operations Paralegal	Phone: (208) 332-8986 (208) 334-4520	Email: skeys@dbb.idaho.gov bernice.myles@ag.idaho.gov	
Bernice Myles, Office of the Attorney General				
Person Authorizing Rule: Kelly Pearce	Title: Administrator	Phone: (208) 332-7100	Email: kpearce@dbb.idaho.gov	

Section 2 (To be completed by Agency)

Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation): Sections 39-4107 and 39-4109, Idaho Code	
Title, Chapter, and Possible Docket (IDAPA) Number: IDAPA 07.03.01, "Rules of Building Safety; Docket No. 07-0301-0801	
This Rule is: <input checked="" type="checkbox"/> Proposed <input checked="" type="checkbox"/> Temporary	Effective Date: 4/23/08
If Temporary Rule: <input checked="" type="checkbox"/> Necessary to protect the public health, safety, or welfare; or <input type="checkbox"/> Compliance with deadlines in amendments to governing law or federal programs; or <input type="checkbox"/> Conferring a benefit.	
If this is a temporary rule which imposes a fee or charge, provide justification as described in Idaho Code 67-5226(2): N/A	
Provide a fiscal impact statement, both positive and negative, by fund source for all programs affected: None.	
Need for Proposed Rule Change: Need for Proposed Rule Change: Effective March 30, 2007, the Building Code Board's rulemaking adopting the 2006 editions of three international building codes was approved by the Idaho Legislature. However, the 2007 Legislature also passed House Bill No. 137 that inadvertently re-established the 2003 versions of two of these codes in Idaho Code § 39-4109. Unfortunately, this discrepancy was not caught at the time and both the state and local jurisdictions have been applying the 2006 editions of all three codes in reliance upon the Legislature's approval of the 2007 rulemaking. Interested parties attempted to address this situation legislatively during this year's session; however, the limited timeframe available precluded a solution. To address this issue until consensus legislation can be brought before the 2009 Legislature, the Board needs to exercise its statutory authority pursuant to Idaho Code § 39-4107(1) to readopt these later editions of two of the international codes, effective immediately. Furthermore, the rulemaking is necessary to adopt the 2006 International Existing Building Code, thereby updating this code and correcting an inaccurate statutory reference to the "existing 2003 International Building Code."	
Proposed Rule Changes (Summary Only): This rule adopts and incorporates by reference the 2006 editions of the International Building Code, International Residential Code and International Existing Building Code.	
Interest Group(s) or Citizens Affected: Building contractors, cities, counties and homeowners.	

Section 3 (DFM Use Only)

DFM Analyst Comments:

DFM Analyst Fiscal Impact Review:

DFM Analyst Signature & Date:

Recommend:

☐ Yes ☐ No

Gov Special Assistant Signature & Date:

Recommend:

☐ Yes ☐ No

DFM Administrator Signature & Date:

Approval:

☐ Yes ☐ No**Section 4 (To Be Completed By DFM PARF Coordinator)****Date****Days**

Received by DFM from Agency

Received by DFM Analyst from Coordinator

Received by Coordinator from Analyst

Received by Governor's Special Assistant from Coordinator

Received by Coordinator from Governor's Special Assistant

Received by DFM Administrator

Return via email to: info@dfm.idaho.gov

**IDAPA 07
TITLE 03
CHAPTER 01**

07.03.01 - RULES OF BUILDING SAFETY

004. ADOPTION AND INCORPORATION BY REFERENCE.

Under the provisions of Section 39-4109, Idaho Code, the following codes are hereby adopted and incorporated by reference into IDAPA 07.03.01, "Rules of Building Safety," Division of Building Safety. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or <http://www.iccsafe.org>.

~~(3-30-07)~~(4-23-08)T

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|-----------------------|---|---|
| 01. | International Building Code. 2006 Edition. | (3-30-07) <u>(4-23-08)</u> T |
| 02. | International Residential Code. 2006 Edition. | (3-30-07) <u>(4-23-08)</u> T |
| 03. | International Energy Conservation Code. 2006 Edition. | (3-30-07) |
| <u>03.</u> | <u>International Existing Building Code.</u> 2006 Edition. | <u>(4-23-08)</u> T |